

SJ-EXHIBIT 39

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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4 IN RE: NATIONAL PRESCRIPTION :
 OPIATE LITIGATION : MDL No. 2804
5 _____ : Case No.
 : 1:17-md-2804

6 THIS DOCUMENT RELATES TO: :
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7 THIS DOCUMENT RELATES TO: : Hon. Dan A. Polster
 TRACK THREE CASES :
8 :
 :
9 _____ :

10 Wednesday May 5, 2021

11 HIGHLY CONFIDENTIAL
12 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
13

14 Remote videotaped deposition of
15 JAMES TSIPAKIS, conducted at the location of the
16 witness in Naperville, Illinois, commencing at
17 10:09 a.m., on the above date, before Carol A. Kirk,
18 Registered Merit Reporter, Certified Shorthand
19 Reporter, and Notary Public.

20
21
22 GOLKOW LITIGATION SERVICES
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24 deps@golkow.com

1 A. No, never.

2 Q. And for that matter, in all of the
3 contacts with law enforcement and Board of
4 Pharmacy, police that we've seen, did anybody
5 from Lake or Trumbull County law enforcement or
6 otherwise ever complain about Giant Eagle's
7 dispensing practices?

8 MR. GADDY: Form and scope.

9 A. No, never.

10 - - -

11 (Tsipakis Deposition Exhibit 47 marked.)

12 - - -

13 BY MR. BARNES:

14 Q. Go to file 39, which we'll call
15 Exhibit 47.

16 Is this a business record of
17 Giant Eagle?

18 A. Yes, it is.

19 Q. Is this another example of the be
20 on the lookout notification sent out by
21 Rick Shaheen, Giant Eagle's pharmacy loss
22 prevention department, and in this example, fake
23 prescriptions attempting to being passed in a
24 certain area?

1 there's certain insurance -- from an audit
2 perspective on insurance, notes need to be
3 physically on the hard copy. It doesn't matter
4 if they're in the computer system. They have to
5 be on the hard copy. So there's occasions that
6 we need to pull the hard copy and document.

7 I believe the example I used on
8 testing strips. So for Medicare, Medicaid, the
9 directions of use, if we get a prescription that
10 says use as directed and we quantify what that
11 means, testing once a day, twice a day, three
12 times a day, that needs to be, in essence, put
13 on the prescription, hard copy.

14 Q. Okay. In these 30 or 40 examples,
15 these exhibits we went over -- I'll call them
16 corporate controls and pharmacy due diligence --
17 was it a regular practice of the Giant Eagle
18 corporate compliance department to respond to
19 pharmacists' inquiries when they had concerns
20 about potentially bad scripts and to do
21 investigations and to help the pharmacies and
22 the pharmacists resolve them?

23 MR. GADDY: Objection to form.

24 A. Yes. Absolutely. These were

1 examples of an ongoing and continual even to
2 this day process, that basically the
3 interactions between corporate resources, the
4 stores, loss prevention and a regular course and
5 normal course of business and oversight.

6 Q. Okay. And over the years, have
7 various personnel been involved in these
8 activities, some of whom are no longer employed
9 by the company?

10 A. Yes, that is correct.

11 Q. And Giant Eagle's record retention
12 policies, would some of those records likely
13 have been destroyed after people left and a
14 number of years had passed since their leaving?

15 MR. GADDY: Form, scope.

16 A. Yes. There's -- the servers
17 automatically -- for example, Outlook will
18 delete after so many days for space reasons and
19 other things. So there is -- there is normal
20 processes that happen that eliminate
21 documentation over the -- especially if the time
22 has lapsed, yes.

23 Q. Okay. And you were asked earlier
24 this morning by Mr. Gaddy of what other controls